

Serial No.: 10/065,811

Confirmation No.: 7984

Applicant: JOHANNESSON, Stig-Erik

Atty. Ref.: 07589.0063.PCUS00

REMARKS:

Examiner asserts Craft '444 under 35 U.S.C. §103 in rejecting claims 1-11. Examiner bases the rejection on a general statement that Craft '444 discloses "a device for the . . . and the passage comprising a first section and a second section wherein the second section has a larger flow area than the first section." Examiner has not, however, specified which structural features in Craft '444 constitute which claimed elements. Accepting, arguendo, Examiner's designation with respect to Fig. 4 (duplicated below) of those structures referenced by numerals 18, 20 and 60, it appears that Examiner is analogizing Craft '444's standpipe 18, bowl 20 and axially extending passage 60 to Applicant's device 16, first section 27 and second section 28, respectively.

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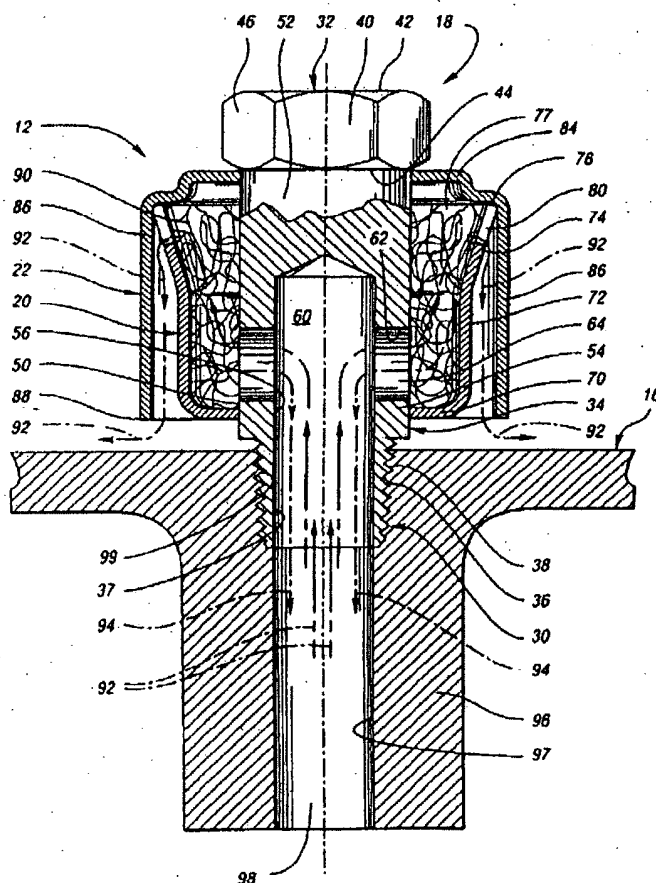


Fig. 4
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Referring to Craft '444's Fig. 4 above, it may be appreciated that the bowl 20 is annular in shape and the axially extending passage 60 is cylindrical. There is no basis for comparing the relative sizes of the flow areas of these two sections in the Craft '444 device. More importantly, there is no basis available (or stated by Examiner) that the flow area of the second section cited from the Craft '444 device is "at least approximately 50% larger" than the flow area of the first section as recited by Applicant in claim 1. For these reasons, it is respectfully asserted that Applicant's claims 1-8 are not rendered obvious by Craft '444, nor any other references of record either singularly, or in any appropriate combination.

Regarding claims 9-13, based on the same arguments provided above with respect to claims 1-8, there is no disclosure, teaching or suggestion in Craft '444 of an expanded portion connected to a neck portion and which is of sufficiently large area to cause suspended particles swept through the neck opening to fall out of suspension and be trapped therein. Therefore, it is again respectfully asserted that Applicant's claims 9-13 are not rendered obvious by Craft '444, nor any other references of record either singularly, or in any appropriate combination.

Applicant traverses Examiner's combination of the compressed air source of Noble III '259 with the device of Craft '444. Craft '444, in fact, teaches away from combining such a "purging" to atmosphere feature as asserted by Examiner based on Noble III '259. Examiner's attention is directed to the following excerpts from Craft '444:

(Column 5, lines 20-29) A filter 90 fills the annular cavity 77 between the standpipe 18 and the bowl 20. The material chosen for the filter 90 may be any of a number of suitable materials which withstand the operating temperature range of the transmission 10. The material for the filter 90 should be selected so as to reduce or eliminate the escape of fluid mist or vapor from the transmission 10. Furthermore, filter 90 should condense or coalesce the fluid mist for return to the transmission 10. An aluminum mesh filter or a polyester filter would be suitable for many applications.

(Column 5, line 60 - Column 6, line 3) Still referring to FIG. 4, in operation, as pressure within a transmission increases (relative to the exterior atmospheric pressure), air, vapor, and fluid mist within the transmission are forced through the interior of standpipe 18 and into filter 90. The positive pressure allows air to escape through the at least one aperture 80 while capturing fluid mist and vapor

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within filter 90 so as to equalize the interior and exterior pressure while reducing or eliminating expulsion of fluid from the transmission 10. The filter 90 facilitates coalescing of fluid mist and vapor which returns to the transmission 10 via the flow path indicated by arrow 94.

To provide a purging action as suggested by a combination of Noble III '259 with Craft '444 is completely counter to the purpose of the inclusion of the filter 77 in Craft '444 as may be appreciated from the excerpts above.

New claim 12 and 13 have been added alternatively reciting Applicant's invention, as well as clearly defining the invention over the cited references. The recitation of Applicant's invention in "filterless" terms is supported at least in the background of the application as originally filed; therefore, no new matter has been added.

The undersigned representative authorizes the Commissioner to charge any additional fees under 37 C.F.R. 1.16 or 1.17 that may be required, or credit any overpayment, to Deposit Account No. 08-3038, referencing Order No. 07589.0063.PCUS00.

In order to facilitate the resolution of any issues or questions presented by this paper, the Examiner should directly contact the undersigned by phone to further the discussion.

Respectfully submitted,



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Date:

21 July '03